

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF AN EXCLUSIVE METHOD OF VOLUNTARY ANNEXATION INCLUDING THE DESIGNATION OF AN UNINCORPORATED PROTECTION AREA AND DESIGNATION OF UNINCORPORATED RURAL NEIGHBORHOODS; PROVIDING FOR AMENDMENTS TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

WHEREAS, the voters of Palm Beach County adopted the Charter of Palm Beach County on November 6, 1984, effective January 1, 1985; and

WHEREAS, the Charter of Palm Beach County provides that the Board of County Commissioners may propose a charter amendment by ordinance subject to voter approval; and

WHEREAS, sec. 171.044(4), Florida Statutes provides authority for a charter county to provide for an exclusive method of voluntary annexation in its charter; and

WHEREAS, the purpose of this charter amendment is to authorize the County to provide for the exclusive method by which voluntary annexation of property by a municipality may occur within Palm Beach County, Florida; and

WHEREAS, passage of this Ordinance will allow the residents of Palm Beach County to vote on the proposed charter amendment at the general election held on November 2, 2004.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

PART 1. AMENDMENT OF CHARTER

Subject to the approval of the electorate as required by the Constitution and Laws of Florida the Palm Beach County Charter shall be amended by adding language to Sec

1 1.1. Creation and General Powers of Home Rule Charter Government. by adding
2 language to Sec. 1.3. Scope of County ordinances; conflict with municipal ordinances.
3 and by adding Article VII, Voluntary Annexation, Sec. 1. Voluntary Annexation by
4 Municipalities, as follows:

5 **SECTION 1.1. CREATION AND GENERAL POWERS OF HOME RULE**
6 **CHARTER GOVERNMENT**

7 Palm Beach County shall be a Home Rule Charter County, and, except as may be
8 limited by this Home Rule Charter, shall have all powers of county self government
9 granted now or in the future by the constitution and laws of the state of Florida. As set
10 forth in Article VII of this Charter, Palm Beach County has the power to establish by
11 ordinance the exclusive method for voluntary municipal annexation, to the extent
12 authorized by law, including the designation of an unincorporated protection area and
13 designation of unincorporated rural neighborhoods.

14 * * *

15 **SECTION 1.3. SCOPE OF COUNTY ORDINANCES; CONFLICT WITH**
16 **MUNICIPAL ORDINANCES**

17 (5) In matters related to voluntary annexation.

18 **ARTICLE VII. VOLUNTARY ANNEXATION**

19 **SECTION 1. VOLUNTARY ANNEXATION BY MUNICIPALITIES**

20 Nothing in this Charter shall prevent a municipality from annexing an
21 unincorporated area into its municipal boundaries, except that all voluntary annexations
22 shall be in accordance with the exclusive method for voluntary municipal annexation
23 established by ordinance of the Board of County Commissioners, including the
24 designation of an unincorporated protection area and designation of unincorporated rural
25 neighborhoods. Voluntary annexation in an unincorporated protection area requires
26 approval by an affirmative vote of at least five members of the board of county
27 commissioners. Voluntary annexation in an unincorporated rural neighborhood requires
28 approval by an affirmative vote of at least five members of the board of county
29 commissioners and a majority of the registered electors residing within the boundaries of
30 the unincorporated rural neighborhood voting on the question. All voluntary annexations
31 shall require prior notice to the county as established by ordinance. For voluntary

1 annexations outside the unincorporated protection area..the ordinance regulating such
2 annexations shall be no more restrictive than general law regarding the substantive
3 requirements for such annexations. The unincorporated protection area is defined as all
4 unincorporated lands located outside of the urban service area established in the Palm
5 Beach County Comprehensive Plan. Areas eligible to be designated by ordinance as
6 unincorporated rural neighborhoods must be located in the unincorporated protection area
7 and are limited to recorded subdivisions and antiquated subdivisions as defined in the
8 Palm Beach County Comprehensive Plan located in the exurban or rural tiers of the Palm
9 Beach County Comprehensive Plan and other residential neighborhoods located in the
10 exurban and rural tiers with at least 25 dwelling units as of the effective date of this
11 charter amendment.

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13 **PART 2. REFERENDUM AND BALLOT LANGUAGE**

14 On November 2, 2004, a general election is to be held, and in accordance with the
15 requirements of the Constitution and Laws of Florida, the following question shall be
16 placed on the ballot by the Supervisor of Elections:

17 EXCLUSIVE METHOD OF VOLUNTARY ANNEXATION IN PALM BEACH
18 COUNTY

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20 Shall the Palm Beach County Charter be amended to authorize an ordinance providing
21 the exclusive method for voluntary annexations, including notice requirements and
22 designation of the area outside the urban service area as the unincorporated protection
23 area where voluntary annexation must be approved by the county commission, and which
24 includes unincorporated rural neighborhoods where voluntary annexation must be
25 approved by the county commission and majority vote of electors residing within the
26 boundaries of that neighborhood?

27 YES _____

28 NO _____

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31 **PART 3. FORM OF NOTICE**

32 The form of notice of the election by which this Charter shall be submitted to a
33 referendum shall contain the complete text of Parts 1 and 2 of this Ordinance.

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